REMARKS

In response to the Office Action dated June 15, 2007, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-20 are pending in this application.

Objections to the Specification

The Office objected to paragraphs [0002] and [0003] for missing serial numbers. These paragraphs have been amended to include the serial numbers.

As the Office requested, the title has also been amended to "Video Recorder for Vehicular Data."

Double Patenting Rejection

The Office provisionally rejected claims 1-6 and 9-20 for non-statutory obviousness-type double patenting over claims 1-3, 5-9, 11-12, 14-15, and 18 of co-pending and commonly assigned U.S. Application No. 10/674,840 (Attorney Docket 030144). Additionally, claims 7 and 8 were rejected for non-statutory obviousness-type double patenting over U.S. Application No. 10/674,840 in view of U.S. Patent Application Publication 2002/0191952 to Fiore, et al.

Should this application receive a Notice of Allowance, the Assignee will promptly consider a terminal disclaimer.

Rejection of Claims Under § 102 (e)

The Office rejects claims 1-2, 6-7, and 10 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent Application Publication 2002/0191952 to Fiore, *et al.* A claim, however, is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P.").

Claims 1-2, 6-7, and 10 cannot be anticipated. These claims recite, or incorporate, many features that are not disclosed or suggested by *Fiore*. Independent claim 1, for example, recites "*receiving vehicular data describing powertrain management system information, electrical management system information, and chassis management system information.*" Independent claim 1 also recites "*storing a set of rules specifying the vehicular data that causes a transfer of a contents of the loop buffer to the memory.*" Support for such features may be found at least in U.S. Application No. 10/674,770 at paragraphs [0021] through [0025], which were incorporated by reference. Independent claim 1 also recites "*tagging ... with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory*" (emphasis added). Support for such features may be found at least at paragraph [0024] in the as-filed application. Independent claim 1 is reproduced below, and independent claims 11 and 18 recite similar features.

[c01]   A method, comprising:

storing in memory at least one of audio data and video data of an event, the video data comprising a series of picture frames;

storing at least one of the audio data and the video data in a loop buffer;

receiving vehicular data describing powertrain management system information, electrical management system information, and chassis management system information;

storing a set of rules specifying the vehicular data that causes a transfer of a contents of the loop buffer to the memory;

when the vehicular data satisfies a rule, then transferring the contents of the loop buffer to the memory to provide at least one of time-delayed audio data and time-delayed video data, the time-delayed audio data and the time-delayed video data preceding the event; and

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tagging at least one of the time-delayed audio data and the time-delayed video data with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.

Fiore cannot anticipate all these features. *Fiore* discusses an event recorder having a "circular storage buffer." U.S. Patent Application Publication 2002/0191952 to Fiore, *et al.* at paragraph [0047]. The circular storage buffer allows the event recorder to extract frames before, during, and after the event. *See id.* at paragraphs [0048] and [0051].

Still, though, *Fiore* cannot anticipate claims 1-2, 6-7, and 10. *Fiore* fails to disclose or suggest many of the features recited in independent claim 1, from which claims 2, 6-7, and 10 depend. *Fiore*, for example, fails to teach or suggest *"receiving vehicular data describing powertrain management system information, electrical management system information, and chassis management system information."* Independent claim 1 also recites *"storing a set of rules specifying the vehicular data that causes a transfer of a contents of the loop buffer to the memory."* Independent claim 1 also recites *"tagging ... with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory"* (emphasis added). *Fiore*, then, cannot anticipate 1-2, 6-7, and 10, so the Office is respectfully requested to remove the § 102 (b) rejection of these claims.

Rejection of Claims 11, 13-16 & 18-20 under § 103 (a)

The Office rejected claims 11, 13-16, and 18-20 under 35 U.S.C. § 103 (a) as being obvious over *Fiore* in view of U.S. Patent 6,496,607 to Krishnamurthy, *et al.* Independent claims 11 and 18, from which claims 13-16 and 19-20 respectively depend, recite the same distinguishing features discussed above. As the above paragraphs explained, *Fiore* fails to disclose or suggest many features recited in independent claims 11 and 18.

Krishnamurthy does not cure these deficiencies. *Krishnamurthy* discloses a system for classifying regions of interest in images. *See* U.S. Patent 6,496,607 to Krishnamurthy, *et al.* at

column 2, lines 8-30. The quality of a region of interest may be increased, while the quality may be reduced for regions of non-interest. *See id.* at column 4, lines 10-12. The bitrate of a data stream may be adjusted in accordance with importance. *See id.* at column 6, line 45 through column 7, line 10.

Still, though, the combined teaching of *Fiore* and *Krishnamurthy* does not teach or suggest all the claimed features of independent claims 11 and 18. *Fiore* and *Krishnamurthy* fails to disclose or suggest *"receiving vehicular data describing powertrain management system information, electrical management system information, and chassis management system information."* Independent claims 11 and 18 also recite *"storing a set of rules specifying the vehicular data that causes a transfer of a contents of the loop buffer to the memory."* Independent claims 11 and 18 also recite *"tagging ... with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory"* (emphasis added). *Fiore* and *Krishnamurthy*, then, cannot anticipate independent claims 11 and 18, from which claims 13-16 and 19-20, respectively, depend. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 3-5 under § 103 (a)

The Office rejected claims 3-5 under 35 U.S.C. § 103 (a) as being obvious over *Fiore*. Claims 3-5, however, depend from independent claim 1 and, thus, incorporate the same distinguishing features. As the above paragraphs explained, *Fiore* fails to teach or suggest *"receiving vehicular data describing powertrain management system information, electrical management system information, and chassis management system information."* Independent claim 1 also recites *"storing a set of rules specifying the vehicular data that causes a transfer of a contents of the loop buffer to the memory."* Independent claim 1 also recites *"tagging ... with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory"* (emphasis added). *Fiore*, then, cannot anticipate claims 3-5, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

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Rejection of Claim 8 under § 103 (a)

The Office rejected claim 8 under 35 U.S.C. § 103 (a) as being obvious over *Fiore* in view of U.S. Patent Application Publication 2003/0109972 to Tak. Again, though, claim 8 depends from independent claim 1 and, thus, incorporates the same distinguishing features. While *Tak* discusses a vehicle controller, the proposed combination of *Fiore* and *Tak* still fails to teach or suggest all the claimed features recited by independent claim 1. *Fiore* and *Tak* fail to teach or suggest "*receiving vehicular data describing powertrain management system information, electrical management system information, and chassis management system information.*" *Fiore* and *Tak* also fail to teach or suggest "*storing a set of rules specifying the vehicular data that causes a transfer of a contents of the loop buffer to the memory.*" *Fiore* and *Tak* also fail to teach or suggest "*tagging ... with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory*" (emphasis added). The proposed combination of *Fiore* and *Tak*, then, cannot anticipate claim 8, so the Office is respectfully requested to remove the § 103 (a) rejection of this claim.

Rejection of Claim 12 under § 103 (a)

The Office rejected claim 12 under 35 U.S.C. § 103 (a) as being obvious over *Fiore* in view of *Krishnamurthy*. Claim 12, however, depends from independent claim 11 and, thus, incorporates the same distinguishing features. As the above paragraphs already explained, *Fiore* and *Krishnamurthy* fail to disclose or suggest "*receiving vehicular data describing powertrain management system information, electrical management system information, and chassis management system information.*" Independent claim 11 also recites "*storing a set of rules specifying the vehicular data that causes a transfer of a contents of the loop buffer to the memory.*" Independent claim 11 also recites "*tagging ... with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory*" (emphasis added). *Fiore* and *Krishnamurthy*, then, cannot anticipate independent claim 11, from which claim 12 depends. The Office is thus respectfully requested to remove the § 103 (a) rejection of this claim.

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Rejection of Claim 9 under § 103 (a)

The Office rejected claim 9 under 35 U.S.C. § 103 (a) as being obvious over *Fiore* in view of U.S. Patent 6,763,071 to Maeda, *et al.* Claim 9, however, depends from independent claim 1 and, thus, incorporates the same distinguishing features. *Maeda* discusses an image processing system that encodes image data with scene description data. *See* 6,763,071 to Maeda, *et al.* at column 12, lines 42-67. Still, though, the combined teaching of *Fiore* with *Maeda* fails to teach or suggest all the features of independent claim 1. *Fiore* and *Maeda*, for example, fails to teach or suggest "*receiving vehicular data describing powertrain management system information, electrical management system information, and chassis management system information.*" *Fiore* and *Maeda* also fail to teach or suggest "*storing a set of rules specifying the vehicular data that causes a transfer of a contents of the loop buffer to the memory.*" *Fiore* and *Maeda* also fail to teach or suggest "*tagging ... with metadata describing <u>the rule that caused the contents of the loop buffer to be transferred to the memory</u>*" (emphasis added). The proposed combination of *Fiore* and *Maeda*, then, cannot anticipate claim 9, so the Office is respectfully requested to remove the § 103 (a) rejection of this claim.

Rejection of Claim 17 under § 103 (a)

The Office rejected claim 17 under 35 U.S.C. § 103 (a) as being obvious over *Fiore* in view of *Krishnamurthy* and further in view of *Maeda*. Claim 17, however, depends from independent claim 11 and, thus, incorporates the same distinguishing features. As the above paragraphs explained, *Fiore, Krishnamurthy,* and *Maeda* are silent to all the features of independent claim 11. One of ordinary skill in the art, then, would not think that claim 17 is obvious. The Office is respectfully requested to remove the § 103 (a) rejection of this claim.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or *scott@scottzimmerman.com*.

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Respectfully submitted,
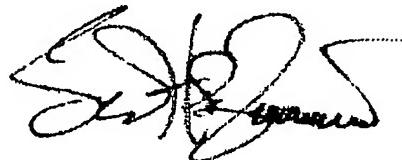
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